

Eb3WgorC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 In re Application of GORSOAN LIMITED  
4 and GAZPROMBANK OJSC

5 for an Order Pursuant to 13 MC 397 (PGG)  
6 28 U.S.C. 1782 to Conduct Discovery,

-----x

7 New York, N.Y.  
8 November 3, 2014  
9 12:30 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge

13 APPEARANCES

14 WHITE & CASE LLP  
15 Attorneys for Petitioners  
16 BY: OWEN C. PELL  
17 MAX SHTERNGEL

18 STUART A. SMITH  
19 Attorney for Movants  
20  
21  
22  
23  
24  
25

Eb3WgorC

(Case called)

MR. PELL: Owen Pell from White & Case. With me today is Max Shterngel for the plaintiffs, applicants, Gorsoan Ltd. and Gazprombank.

MR. SMITH: Stuart Smith for the movants Rigroup Janna Bullock, Zoe Bullock, and myself.

THE COURT: This is a matter that goes back to a part one assignment I received a long time ago in response to an application for the issuance of subpoenas to certain parties. I signed that application and now there's a dispute as to whether certain subpoenas that I issued should be quashed. What I've been trying to get to the bottom of is whether one of the subjects of the subpoena, a woman named Janna Bullock, was properly served by process from a court in Cyprus, which I will refer to as the Cypriot court. The subject order from the Cypriot court is a freezing and disclosure order. Gorsoan, one of the applicants here, states that Bullock was properly served with a freezing and disclosure order issued by the Cypriot court and that she has failed to comply with that order. Gorsoan further argues that Bullock's noncompliance with the Cypriot court's freezing and disclosure order provides a compelling basis to enforce the subpoena on Bullock, arguing that the information Gorsoan seeks is unavailable in the Cyprus proceedings due to Bullock's noncompliance, citing opposition brief, docket No. 16 at 7.

Eb3WgorC

1           The background here is that in August of 2012, Gorsoan  
2 and Gazprombank filed a civil suit against Bullock and 29 other  
3 defendants in the Cyprus Court claiming \$22 million in damages  
4 from fraud, citing Tsirides declaration paragraph five, docket  
5 No. 4. Gorsoan alleged that it had "invested substantial sums  
6 (around U.S. 23 million) in U.S. bonds issued by companies  
7 affiliated with the Moscow region government," and that  
8 Bullock's ex-husband, Alexey Kuznetsov (then the minister of  
9 finance in the Moscow region government), and certain offshore  
10 corporate entities owned by Bullock and Kuznetsov diverted  
11 proceeds from these bonds and used these funds for their own  
12 purposes (*Id.* paragraphs 20, 22, and 40).

13           On March 6, 2013, the court in Cyprus issued an order  
14 which I've referred to as a freezing and disclosure order.  
15 That order froze all the assets of 15 of the defendants named  
16 in the Cyprus action, including Bullock, anywhere in the world  
17 up to the value of \$26,344,765. It also directed these  
18 defendants to disclose all assets that they possessed that  
19 exceeded 10,000 pounds in value, and it also directed the  
20 remaining defendants to produce documents in their possession  
21 relating to those 15 defendants. (*Id.* paragraphs 11 and 28  
22 through 29).

23           I have received a declaration from Alexandros  
24 Tsirides, Gorsoan's Cypriot counsel, stating that Bullock was  
25 personally served with the freezing and disclosure order on

Eb3WgorC

1 April 24, 2013, and that assertion is supported by an affidavit  
2 of service. That document is Exhibit 2 to Tsirides's second  
3 supplemental declaration. See paragraph four.

4 However, counsel for Bullock has disputed whether she  
5 was, in fact, served with the Cypriot court's freezing and  
6 disclosure order on April 24, 2013, as the applicants here  
7 assert. More specifically, on March 24, 2014, counsel for  
8 Bullock sent a letter to the Court stating that according to  
9 Bullock's Cypriot counsel, a Mr. Demetriades, the March 2013  
10 freezing and disclosure order had not been properly served on  
11 Ms. Bullock, citing docket No. 20.

12 Bullock's counsel also noted in that letter that on  
13 March 12, 2014, Gorsoan had filed an application with the  
14 Cyprus court seeking leave to serve Ms. Bullock's counsel,  
15 Mr. Demetriades as substitute service for Bullock. Bullock's  
16 counsel argued that it is thus "reasonable to infer that  
17 neither Bullock nor Mr. Demetriades has been served." The  
18 point is that if Bullock had been personally served on April  
19 24, 2013, then why at a later date would Gorsoan file an  
20 application with the Cyprus court seeking leave to serve  
21 Ms. Bullock through substitute service on her Cypriot counsel.

22 Gorsoan did not respond to this assertion, and given  
23 that the premise for the application here is that Gorsoan has  
24 not been able to get the information from Bullock because she  
25 won't comply with the freezing and disclosure order issued by

Eb3WgorC

1 the Cypriot court, I determined that it was necessary to obtain  
2 an explanation for why Gorsoan made an application to the  
3 Cypriot court to serve Ms. Bullock through substitute service.

4 Accordingly, on October 22 of this year, I issued an  
5 order directing Gorsoan to "explain whether they sought  
6 permission in Cyprus to serve Bullock by substitute means and,  
7 if so, why they previously represented to this Court that  
8 Bullock had been personally served with the Cyprus court's  
9 discovery order," citing docket No. 24.

10 On October 24, 2014, Gorsoan's counsel submitted a  
11 letter and supplemental declaration addressing these issues,  
12 citing docket No. 25. The letter states that Bullock has been  
13 personally served with the Cyprus court's freezing and  
14 disclosure order three times and that Gorsoan is pursuing civil  
15 contempt remedies against Bullock in Cyprus for her failure to  
16 comply with that order. The attached declaration, which was  
17 executed by Alexandros Tsirides, Gorsoan's Cypriot counsel,  
18 states that Bullock was first served with a freezing and  
19 disclosure order on April 24, as I previously noted, and  
20 Mr. Tsirides notes that Bullock's counsel has not explained why  
21 service of that order back on April 24, 2013, was invalid under  
22 either U.S. or Cyprus law.

23 The Tsirides declaration then goes on to state, "In  
24 order to have Bullock held in civil contempt based on her  
25 noncompliance with the freezing and disclosure order [Gorsoan]

Eb3WgorC

1 first sought and obtained two preliminary orders from the  
2 Cyprus court," citing Tsirides's second supplemental  
3 declaration at paragraph eight. The Cyprus court issued orders  
4 on December 19, 2013, granting Gorsoan leave to serve the  
5 freezing and disclosure order on Bullock again, and on October  
6 9, according to Mr. Tsirides, the Cyprus court granted Gorsoan  
7 leave to serve its application for contempt against Bullock,  
8 and that application apparently also included a copy of the  
9 freezing and disclosure order. (*Id.* paragraph eight, Exhibits  
10 3-4).

11 On August 5, pursuant to the Cyprus court's order,  
12 according to Mr. Tsirides, Bullock was again personally served  
13 in New York with a freezing and disclosure order, and in  
14 support of that assertion, Mr. Tsirides attaches another  
15 affidavit of service, which is Exhibit 5 to his declaration.  
16 Mr. Tsirides goes on to state that on October 20, 2014,  
17 Ms. Bullock was served with a contempt application, which  
18 included a copy of the freezing and disclosure order. (*Id.*  
19 paragraph 10, Exhibit 6).

20 Now, I have questions for both sides, but maybe I  
21 should start with Gorsoan and then I'll speak with Bullock's  
22 counsel. The question I have, and it's the question that my  
23 order was directed at, is if Bullock was properly served on  
24 April 24, 2013, with a freezing and disclosure order, why was  
25 it necessary to serve her with the order repeatedly. That's my

Eb3WgorC

1 question. And it may be that in Cyprus procedures are  
2 different, I don't know, but in this country, if effective  
3 service was made, as is alleged here, in April of 2013, it  
4 wouldn't be necessary to continue serving the person repeatedly  
5 with the same order. As I said, maybe the practices are  
6 different in Cyprus, but I need you to explain that.

7 MR. PELL: Yes, your Honor. Owen Pell, for Gorsoan.

8 Your Honor, there are two reasons why service was  
9 effected a second time. The reason it was effected the third  
10 time is when you move on to the contempt phase, that is a new  
11 phase in Cyprus and you have to re-serve.

12 The reason for the second service was really out of an  
13 abundance of caution and to meet objections that had been made  
14 by counsel for Bullock in the foreign proceeding. They had  
15 raised issues *vis-a-vis* service. They had also raised issues  
16 as to the Hague Convention on service, and so out of an  
17 abundance of caution, we went back and served again.

18 What's important to understand is that this is not a  
19 default judgment situation. Bullock has appeared in Cyprus  
20 through lawyers and litigated the service issue and lost, and  
21 that was why she was ordered to make disclosure. She has  
22 chosen not to appeal that ruling in Cyprus. We were trying to  
23 make the record as clear as possible that she had been properly  
24 served as many different ways as we could think of so that in  
25 Cyprus, we could not only proceed with contempt but so that

Eb3WgorC

1 there was really no ability by the other side to muddy the  
2 record in Cyprus, because we really are trying to proceed there  
3 and to get more disclosure.

4 With respect to the 1782 proceeding, as your Honor  
5 knows, even if there had been no Cyprus proceeding, we would  
6 have been entitled under 1782 to discovery, as long as we had  
7 contemplation of a foreign proceeding. Here, there's no  
8 question that we have a foreign proceeding. Bullock has  
9 participated in it and the two applicants are parties in that  
10 proceeding. As to the 1782 application and the motion to  
11 quash, the fact that Bullock continues to try to fight  
12 discovery in Cyprus need not prevent the subpoenas from going  
13 forward and disclosure from occurring here.

14 THE COURT: All right. Then let me hear from  
15 Bullock's counsel.

16 Mr. Smith, you just heard your adversary say that your  
17 client litigated the service issue in Cyprus, she lost, she has  
18 not appealed, and she still hasn't complied with the freezing  
19 and disclosure order. Do you disagree with anything that  
20 counsel just said?

21 MR. SMITH: I'm not aware, I have no knowledge of any  
22 service of process litigation in Cyprus with respect to a  
23 previous service. I would simply tell the Court that under  
24 1782, the federal courts here carefully respect foreign  
25 procedures, and to the extent that there may be another



Eb3WgorC

1 proceeding in Cyprus dealing with this contempt citation and  
2 service of process, I think it's necessary to await the  
3 decision of the Cyprus court in that matter. If it turns out  
4 that Bullock has been properly served, that is an issue for the  
5 Cyprus court to decide and not, I would respectfully submit,  
6 this Court.

7 I would simply also suggest to the Court that under  
8 Cyprus procedures, as Mr. Demetriades's declaration earlier  
9 stated, there is no discovery in Cyprus in a civil suit of this  
10 sort until the pleadings have closed. Now, for reasons that I  
11 can't anticipate, this lawsuit was started in 2012, but the  
12 statement of claim, which is analogous to a complaint, wasn't  
13 filed by the plaintiff until December 2013. I'm advised by  
14 Mr. Demetriades that the answer to that complaint is currently  
15 due to be filed on November 14, 2014, so the pleadings haven't  
16 closed here, and, under Cyprus law, there is no discovery until  
17 the pleadings close.

18 I would also add that under Cyprus law, there are no  
19 depositions; there is simply document production. So the fact  
20 that these subpoenas ask here in their application under 1782  
21 for sworn deposition testimony seems to me to be at variance  
22 with Cyprus procedure. And since 1782 gives the courts  
23 discretion to assist in discovery in a foreign proceeding, the  
24 courts here are very careful to make sure that any discovery  
25 that is assisted by a federal court here cannot exceed the

Eb3WgorC

1 scope of this discovery that is available in a foreign  
2 proceeding. So on that note, I would simply say that at this  
3 juncture, I think the case for the application is not ripe for  
4 decision until such time as we get a decision from the Cyprus  
5 court that Ms. Bullock has been properly served, because it is  
6 their exclusive authority to render such a decision, and the  
7 pleadings in the Cyprus case close.

8 THE COURT: All right. Let me just return to my  
9 original question to you, Mr. Smith. What I said to you is  
10 that your adversary has represented that Ms. Bullock litigated  
11 the service issue in Cyprus, that she lost on that issue, that  
12 she has not appealed, and she still has not complied with the  
13 freezing and disclosure order. What I want to hear from you  
14 and what I asked you is do you dispute that your client,  
15 Ms. Bullock, litigated the service issue in Cyprus and that she  
16 lost that issue.

17 MR. SMITH: I have no information as to whether that's  
18 correct or not correct, and I have seen no papers filed in this  
19 court that indicate that the Cyprus court has so ruled.

20 THE COURT: Mr. Pell.

21 MR. PELL: Yes, your Honor. First of all, there is a  
22 lot to respond to here because there are so many false  
23 premises, it's difficult to know which one to deal with first.

24 First, your Honor, there could never be or have been a  
25 contempt proceeding in Cyprus if the Cyprus court had not

Eb3WgorC

1 determined that it actually had jurisdiction over Bullock, had  
2 ordered discovery, had ordered disclosure and no disclosure was  
3 forthcoming. In fact, your Honor, as we said in our papers, we  
4 received disclosure from other defendants in Cyprus and that  
5 was how we tailored the subpoenas in this proceeding to make  
6 sure we were following up on information we had gotten in  
7 Cyprus from entities that the Court had ordered to provide  
8 information and did. So the fact is Bullock has been served,  
9 the Cyprus court knows it, they've appeared in Cyprus, they've  
10 litigated. That was all in our papers. It was their burden to  
11 join issue on that if they disputed it and to prove otherwise,  
12 and they haven't.

13 THE COURT: Is your position that she was properly  
14 served simply an inference from the fact that the Cyprus court  
15 issued this contempt order, or is there some document extant in  
16 which the Cyprus court makes a finding that she was properly  
17 served?

18 MR. PELL: The fact that she was ordered to make  
19 disclosure tells you the Cyprus court believes it had  
20 jurisdiction. We then took that proof back to Cyprus. When  
21 there were questions raised by opposing counsel as to the Hague  
22 Convention, we served her again. It was because we put in all  
23 that proof that the court in Cyprus allowed us to proceed to  
24 the contempt phase.

25 THE COURT: Again, is that something I'm to infer, or

Eb3WgorC

1 is there a document that actually says that?

2 MR. PELL: That's attached to the affidavits, your  
3 Honor.

4 THE COURT: What's attached?

5 MR. PELL: What you're asking for, I believe, is  
6 discussed in the Tsirides affidavit.

7 THE COURT: All right. You're telling me that  
8 Mr. Tsirides states in his declaration that the Cyprus court  
9 wouldn't have done this unless she was properly served? Is  
10 that your point? Because what I'm actually looking for, I just  
11 want to know, is there an order from the Cyprus court stating  
12 that she was properly served.

13 MR. PELL: If you look at the Tsirides declaration,  
14 paragraphs 34 to 35 --

15 THE COURT: All right. Just give me a minute. Could  
16 you help me with how I can find that in this file?

17 MR. PELL: Yes, your Honor. I definitely can.

18 THE COURT: Because I've got quite a few documents in  
19 here, and I'm not able to put my finger on it immediately.

20 MR. PELL: Yes, your Honor.

21 THE COURT: And there have been multiple declarations  
22 from Mr. Tsirides, so which one is it that we're talking about?

23 MR. PELL: Right. I believe you're talking about the  
24 first one, your Honor.

25 THE COURT: All right. I have the first one.

Eb3WgorC

1 MR. PELL: And it should be paragraphs 34 to 35.

2 THE COURT: I'm sorry. I'm looking at the first  
3 supplemental declaration of Alexander Tsirides. Is that what I  
4 should be looking at?

5 MR. PELL: Actually, it's this one. Actually, your  
6 Honor, the one you want, the court stamp is dated November 27,  
7 2013. It's document four, I believe.

8 THE COURT: What is its title?

9 MR. PELL: The title is declaration of Alexandros  
10 Tsirides in support of application for discovery pursuant to 28  
11 U.S.C. Section 1782. I'm happy to share mine, your Honor,  
12 because it has no marks on it.

13 THE COURT: I'm going to need you to do that because I  
14 can't find it in my file.

15 MR. PELL: There you are, your Honor. And it's  
16 paragraphs 34 and 35.

17 THE COURT: All right. Mr. Smith, I'm looking at one  
18 of the declarations Mr. Tsirides has submitted. This one is  
19 docket No. 4, and in paragraph 35, Mr. Tsirides asserts, "In  
20 the November 2013 decision, the Cypriot court concluded that it  
21 has jurisdiction over the dispute, that the service of process  
22 on all defendants was done properly and in accordance with  
23 applicable regulations, and that there are no procedural  
24 irregularities. Bullock and the other defendants who filed the  
25 set-aside application have not appealed the November 2013

Eb3WgorC

1 decision."

2 Now, my question to you is what do you offer me to  
3 dispute that.

4 MR. SMITH: I think one can infer, your Honor, given  
5 the fact that repeated attempts to serve Bullock were done yet  
6 again, suggests to me that the petitioners in this case were  
7 not confident that the service of process had been properly  
8 effected.

9 THE COURT: As I told you, it was your argument on  
10 that point that gave me pause, but now I'm dealing with new  
11 evidence that indicates that your client was served on no less  
12 than three occasions with the applicable order. I have  
13 affidavits of service representing that that happened. I have  
14 Mr. Tsirides's declaration about the import of that under  
15 Cypriot law, and now I need something solid from you to make a  
16 determination that there's a reason to distrust the affidavits  
17 of service, Mr. Tsirides's declaration. I need something  
18 solid, and counsel has explained why he arranged for or sought  
19 substitute service. According to him, it was done out of an  
20 abundance of caution, but certain representations have been  
21 made both today and in prior affidavits and declarations, and I  
22 wanted to give you an opportunity to tell me why I shouldn't  
23 accept these representations.

24 MR. SMITH: Your Honor, since this was not something I  
25 was aware of, I would just ask the Court for a brief period of

Eb3WgorC

1 time to consult with Mr. Demetriades, who is Bullock's Cypriot  
2 counsel, for him to be able to address this point because I  
3 think it is a critical point, and since it involves a detail of  
4 the Cyprus proceeding with which I am not familiar, I would  
5 like an opportunity on behalf of the movants to have a brief  
6 period to submit an additional document to the Court of  
7 explanation.

8 THE COURT: But I already have a declaration from  
9 Mr. Demetriades. I alluded to it in my initial remarks, and  
10 it's always been clear in this case that there is a dispute  
11 about service. My question to you is what additional  
12 information could Mr. Demetriades provide.

13 MR. SMITH: I think he could address the point of the  
14 existence of a Cyprus court ruling with respect to which there  
15 was no appeal. That seems to me to be a rather critical aspect  
16 of this thing because it may well be that if that is the case  
17 and there is no explanation as to why that happened under  
18 Cyprus law, then I would agree that that statement in the  
19 declaration should be accepted by this Court. But given the  
20 fact that this is something that I'm not aware of and that  
21 Mr. Demetriades never addressed specifically, I would like to  
22 have an opportunity to be able to respond.

23 THE COURT: I don't know that I need to understand  
24 Cyprus appellate procedure in order to make a finding here that  
25 your client was served. I mean, that's what we're talking

Eb3WgorC

1 about here. We're talking about whether she was served with  
2 this freezing and disclosure order and she has ignored it and  
3 not complied with it. That's what I'm interested in, and I've  
4 heard from Mr. Pell repeated statements and I've read repeated  
5 statements submitted by his client asserting that she was  
6 served and, in fact, that she's litigated the issue and, in  
7 fact, that she lost the issue in Cyprus.

8 I don't think I need to understand Cypriot appellate  
9 procedure to make a finding that she was served and she has  
10 nonetheless chosen to ignore the freezing and disclosure order.  
11 That's what I'm interested in, and I'm interested in it  
12 because, as I said at the outset, the premise is that  
13 applicants have not been able to get this information through  
14 the Cypriot proceedings, and your response was, well, my client  
15 was actually never served. And what I'm telling you,  
16 Mr. Smith, is I have now a very substantial record indicating  
17 that she was actually served three times, with the same order,  
18 and she hasn't responded to it.

19 Now, you say you want to get another affidavit or  
20 declaration from Mr. Demetriades explaining to me what the  
21 significance is of her decision not to appeal or what that  
22 might mean under Cypriot law, and I don't understand why I need  
23 to understand Cypriot appellate procedure in order to make a  
24 finding.

25 MR. SMITH: Let me suggest to the Court that



Eb3WgorC

1 subsequent to the order that the Cyprus court allegedly  
2 addressed, there have been other attempted services to which  
3 the Cyprus court has never decided whether she was validly  
4 served under these orders, and in point of fact, Mr. Pell's own  
5 letter to the Court, which came in last week, makes it clear  
6 that he has submitted the evidence of service to the Cyprus  
7 court, which suggests to me that it's the Cyprus court that has  
8 to decide whether she was properly served.

9 THE COURT: As I understand it, Mr. Pell is asserting  
10 that now there are contempt proceedings ongoing in Cyprus as to  
11 your client. That's what's going on now, as I understand it.

12 MR. SMITH: Yes.

13 THE COURT: And again, there are contempt proceedings  
14 going on because she hasn't responded to the freezing and  
15 disclosure order.

16 MR. SMITH: But Mr. Pell, in his letter of October 24  
17 to the Court, said explicitly that the evidence of personal  
18 service was submitted to the Cyprus court. Now, the reason,  
19 obviously, that was done is because it's the Cyprus court that  
20 has the exclusive authority to make a determination as to  
21 whether she was properly served under Cyprus law, so I don't  
22 think that it would be improper for me to have an opportunity  
23 to address this unappealed order allegedly saying that she was  
24 properly served a while back.

25 MR. PELL: Your Honor, I feel like I'm in a game of

Eb3WgorC

1 three-card Monte. First of all, the existence of the Cyprus  
2 proceeding does not bear on the ability of this Court to grant  
3 a 1782 order and to enforce it. We clearly have a Cyprus  
4 proceeding. There is no debate about that. You clearly have  
5 evidence that the Cyprus proceeding is proceeding and that my  
6 clients are plaintiffs in that proceeding against Mr. Smith's  
7 client, the discovery subjects of the 1782 order.

8 It is fascinating to me that in a proceeding where  
9 Mr. Smith's client has chosen not to appear and is now on the  
10 verge of being held in contempt he wants to use that Cyprus  
11 proceeding now as a foil to prevent 1782 discovery, which is  
12 exactly what the Supreme Court in Intel said isn't supposed to  
13 happen. The first problem I have is everything he wants to  
14 litigate in this court or have this Court wait for Cyprus to  
15 litigate is irrelevant because the existence of the Cyprus  
16 proceeding is not a necessary element of getting 1782  
17 discovery. But as important, the fact is Mr. Smith already had  
18 an opportunity through a Cypriot lawyer to engage on the issues  
19 in this record, and he chose not to. There's already an  
20 affidavit from their Cypriot lawyer. All they had to do was  
21 raise these issues and explain them, but now they're moving the  
22 shell again. The shell game is on and now they want you to  
23 wait for further proceedings in Cyprus knowing that his client  
24 is avoiding doing anything in Cyprus. So all he's trying to do  
25 is delay your Honor carrying out the subpoenas.

Eb3WgorC

1 MR. SMITH: I would simply respond, your Honor, and  
2 say I don't think I'm trying to delay things further. I'm  
3 simply asking for a brief period of time to explain this one  
4 unappealed order of the Cyprus court saying that she was  
5 properly served, given the fact that it wasn't responded to. I  
6 don't think, given the fact that this case has gone on for a  
7 while, that if it takes a few more days for me to make a  
8 submission of explanation, if there is an explanation, as to  
9 why that order making a determination on the adequacy of  
10 service was not appealed, I would like to have that  
11 opportunity.

12 MR. PELL: Again, your Honor, even if there had been  
13 an appeal of that order, that would be irrelevant here, the  
14 fact that the Cyprus court had or doesn't have an appeal. In  
15 fact, Mr. Tsirides, in his first supplemental declaration,  
16 notes that an appeal by some of the discovery subjects in  
17 Cyprus does not affect the enforceability of the judgment  
18 ordering Janna Bullock to make disclosure. That's document No.  
19 17 in the record, and that's another thing, no evidence  
20 countered to that has been provided by Mr. Smith. So all  
21 you're seeing here, your Honor, is they're just dancing,  
22 looking for more time, trying to use the Cyprus proceeding as a  
23 shield when, in fact, they're about to be held in contempt in  
24 that proceeding for not participating in it.

25 THE COURT: All right. This matter has been pending

Eb3WgorC

1 almost a year. Mr. Smith, I'm not going to delay this more. I  
2 feel like I have given the parties ample opportunity to submit  
3 whatever they deem is appropriate, and in good conscience, I  
4 can't delay the matter further. I'm going to go forward and  
5 decide this application based on the materials that have been  
6 submitted, and I'm going to try to do that promptly.

7 Anything else?

8 MR. PELL: Thank you, your Honor.

9 MR. SMITH: Thank you, your Honor.

10 (Adjourned)